

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DAUD ABDULLAH HOLIDAY,

Petitioner

v.

UNITED STATES,

Respondent

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CIVIL NO. 1:15-CV-1290

(Judge Rambo)

(Magistrate Judge Carlson)

MEMORANDUM

Before the court is a report and recommendation of the magistrate judge to whom this matter was referred in which he recommends that the petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2241 either be dismissed without prejudice or transferred to the District of Columbia Superior Court pursuant to 28 U.S.C. § 1404. The magistrate judge preliminarily addressed the petition pursuant to Rule 4 of the Rules Governing Section 2254 cases (applicable to § 2241 petitions under Rule 1(b) of the Rules Governing Section 2254 cases in the United States District Courts). For the reasons set forth below, the recommendation to transfer the case will be adopted.

Petitioner Daud Abdullah Holiday (“Holiday”) was convicted of robbery and weapons offenses in the Superior Court of the District of Columbia. He raises in his habeas petition issues regarding the conduct of those proceedings which challenges his conviction. As the magistrate judge points out, “[f]ederal habeas court proceedings are essentially civil proceedings, and as such, are governed by the statutes and rules which apply generally to civil litigation.” (Doc. 4 at p. 9.) Thus, Title 28 U.S.C. § 1404(a) applies to this proceeding. Section 1404(a) provides: “For the convenience of the parties and witnesses, in the interest of justice, a district court may

transfer any civil action to any other district or division where it might have been brought.” This district has followed this rule in similar cases as the case at bar. (*See* Doc. 4 at p. 10.)

Thus, this court will direct the transfer of the captioned case to the court where Holiday was tried, convicted and sentenced. An appropriate order will be issued.

s/Sylvia H. Rambo
SYLVIA H. RAMBO
United States District Judge

Dated: July 22, 2015.